

DAVIDOFF HUTCHER & CITRON, LLP
Attorneys for SUFFERN PARTNERS, LLC,
605 Third Avenue
New York, New York 10158
(914) 381-7400

ROBERT L. RATTET

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----x
RS OLD MILLS RD, LLC,

District Court Index Number -

Supreme Court – Rockland
County Index No. 031809/2020

Plaintiffs.

-against-

SUFFERN PARTNERS, LLC,

Defendant,

-----x
SUFFERN PARTNERS, LLC,

Third-Party Plaintiff,

-against-

AVROHOM KAUFMAN,

Third-Party Plaintiff.

-----x

NOTICE OF REMOVAL

**TO THE HONORABLE DISTRICT COURT JUDGE
ASSIGNED TO THESE PROCEEDINGS:**

SUFFERN PARTNERS, LLC, Defendant and Third-Party Plaintiff, by its attorneys Davidoff Hutcher & Citron LLP, respectfully provides notice to this Court of removal of the above-captioned civil action from the Supreme Court of the State of New York, County of Rockland (the “State Court”), to the United States District Court for the Southern District of New York, and respectfully represents as follows:

1. On June 24, 2020, RS OLD MILLS RD, LLC, as Plaintiff (“Old Mills”) commenced an action (the “State Court Action) against Defendant Suffern Partners LLC (“Suffern”). A copy of the Complaint is annexed hereto as Exhibit “1”.
2. On September 9, 2020 Suffern filed an Answer in the State Court, NYSCEF Docket No. 89. This answer was superseded by Suffern’s filing of an Amended Answer, Counterclaims and Third-Party Claims against Third-Party Defendant Avrohom Kaufman (“Kaufman”), NYSCEF Docket Nos. 89 and 90 (the “Amended Answer and Third-Party Complaint”). A copy of the Amended Answer and Third-Party Complaint is annexed hereto as Exhibit “2”.
3. On October 19, 2020 Old Mills filed an Answer to the Counterclaims contained in the Amended Answer and Third-Party Complaint, NYSCEF Docket No. 99. A copy of the Answer to the Counterclaims contained in the Amended Answer and Third-Party Complaint is annexed hereto as Exhibit “3”.
4. On April 30, 2021 Kaufman filed an Answer to the Third-Party Complaint contained in the Amended Answer and Third-Party Complaint, NYSCEF Docket No. 206. A copy of the Answer to the Amended Answer and Third-Party Complaint is annexed hereto as Exhibit “4”.
5. The Complaint (Exhibit “1”), Amended Answer and Third-Party Complaint

(Exhibit “2”), Answer to the Counterclaims contained in the Amended Answer and Third-Party Complaint (Exhibit “3”) and Answer to the Third-Party Complaint contained in the Amended Answer and Third-Party Complaint (Exhibit “4”) constitute the pleadings in this case. Any further documents will be provided to this Court or the United States Bankruptcy Court for the Southern District of New York on request.

6. In addition, Suffern annexes as Exhibits “5” and “6” respectively decisions of the State Court relating to Suffern’s Motion to cancel the Notice of Pendency entered August 20, 2020 (NYSCEF Docket No. 72) and on Suffern’s Motion to fix undertaking entered on April 13, 2021 (NYSCEF Docket No. 195).

7. The State Court Action has been assigned Index Number 031809/2020 in the State Court.

8. On May 16, 2021 Suffern filed a voluntary Chapter 11 petition in the United States District Court for the Southern District of New York, and was assigned Case No. 21- 22280 (the “Suffern Case”), and was continued in possession of its property and management of its affairs as debtor-in-possession pursuant to Sections 1107 and 1108 of the Code.

9. There is pending in the U.S. District Court, Southern District of New York an action entitled Suffern Partners LLC v. Old Republic National Title Insurance Company, 7:20-cv- 08905-CS, assigned to the Honorable Cathy Seibel. We intend to alert the Court to the related nature of this proceeding in order to determine if it is sufficiently related to support some form of consolidation.

10. This Notice of Removal is being timely filed pursuant to Rule 9027 of the Federal Rules of Bankruptcy Procedure.

11. This action is a “core proceeding” within the meaning of 28 U.S.C §157(b)(2)(A),

(B), (C), (K), (M), (N) and (O) in that the action concerns (i) the disposition of property of the estate; (ii) determination of the claims of Plaintiff, who is a creditor, against Suffern, the Debtor, as well as the parties' relative rights to ownership of the Property. Specifically, this action concerns the relative rights of the parties in commercial property located at 25 Old Mill Road, Town of Ramapo, Village of Suffern, and 19 Hemion Road in the Village of Montebello, Suffern, New York (collectively, the "Property").

12. The Debtor intends, in the context of this removed action and likely other adversary proceedings, to promptly seek to determine the interests of various parties to the litigation in the Property.

13. This action, as removed to this Court, is a civil action of which this Court has original jurisdiction under the provisions of 28 U.S.C. Section 1334, and is one which may be removed to this Court by the Debtor pursuant to the provisions of 28 U.S.C. Section 1452, in that the matter in controversy is a civil action related to a bankruptcy case.

Dated: New York, New York
May 17, 2021

DAVIDOFF HUTCHER & CITRON, LLP
Attorneys for SUFFERN PARTNERS LLC
605 Third Avenue
New York, New York 10158
(212) 557-7200

/s/ Robert L. Rattet
By: _____
ROBERT L. RATTET